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Case No.: 2:10-cv-00424-RLH-PAL

ORDER

(Emergency Motion to Stay a Wrongful Foreclosure Sale—#11)

Defendants.

The timing of Mr. Conway's filing is similar to his timing in filing Plaintiffs' previous motion for a temporary restraining order (Dkt. #4), which he filed the day before the then-scheduled foreclosure sale. (*See* Dkt. #5, Order 2.) This motion thus establishes a pattern of

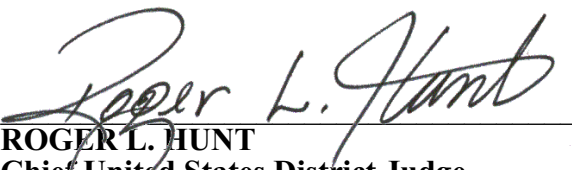
1 eleventh-hour or even after-the-fact filings from Plaintiffs, which undermines the alleged sincerity
2 and urgency of their motions. Even so, the Court denies Plaintiffs' Motion to Stay not on its
3 untimeliness, but on its merits.

4 In the Motion, Plaintiffs request that the Court prevent the foreclosure sale until
5 they can file another motion for a temporary restraining order. Plaintiffs request the stay because
6 Mr. Conway has left his prior law firm and needs additional time to obtain signatures needed to
7 continue to represent Plaintiffs. Accordingly, "there has been unanticipated delay in obtaining all
8 signatures required for substitution of counsel." (Dkt. #11, Mot. to Stay 1.) Plaintiffs also
9 claim—without evidence or argument of any sort—that they "are likely to win on the merits." (*Id.*
10 2.) In short, Plaintiffs request that the Court issue an injunction temporarily staying the foreclosure
11 sale of their home until they can file a motion for a temporary restraining order. Plaintiffs cite no
12 authority or standard that would permit the Court to issue such a stay—there is simply no basis for
13 the Court to impose it.

14 Accordingly, and for good cause appearing,

15 IT IS HEREBY ORDERED that Plaintiffs' Emergency Motion to Stay a Wrongful
16 Foreclosure Sale (#11) is DENIED.

17 Dated: June 29, 2010.

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20 **ROGER L. HUNT**
21 **Chief United States District Judge**
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